

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WILLIAM FREY,

Plaintiff,

v.

ZARTIC, INC. and JAMES MAUER, owner,
and JOHN DOES (1-5), owners,

Defendants.

Case No. C07-5207RBL

ORDER

THIS MATTER comes before the Court on competing motions for summary judgment. Plaintiff moves for partial summary judgment on the issue of liability [Dkt. #16] while defendants move for summary judgment seeking dismissal of all claims asserted by plaintiff [Dkt. #12]. The Court has reviewed all materials submitted for and against these respective motions and is firmly convinced that there are numerous genuine issues of material fact which make summary judgment impossible to grant for either side in this litigation. Moreover, while tempted to decide choice of law issues now, the Court continues to have questions about certain facts that are relevant to the resolution of such issues. Therefore, the Court hereby **DENIES** the plaintiff's motion for partial summary judgment [Dkt. #16] and **DENIES** defendants' motion for summary judgment [Dkt. #12]. Choice of law issues will be resolved in the form of jury instructions at trial.

DATED this 7th day of May, 2008.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE